

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

---

**CONSUMER FINANCIAL  
PROTECTION BUREAU, et al.,**

**Plaintiffs,**

**16-CV-880G(Sr)**

**v.**

**CASE MANAGEMENT ORDER**

**DOUGLAS MACKINNON, et al.,**

**Defendants.**

---

Pursuant to the Order of the **Hon. Frank P. Geraci, Jr.** referring this case to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16.1(a) and Proposed Rule 16.2 of the Local Rules of Civil Procedure for the Western District of New York, it is **ORDERED** that:

1. In accordance with Section 2.1A of the Plan for Alternative Dispute Resolution,<sup>1</sup> this case has been referred to mediation.

2. Motions to opt out of ADR shall be filed no later than **April 7, 2017**.

---

<sup>1</sup> A copy of the ADR Plan, a list of ADR Neutrals, and related forms and documents can be found at <http://www.nywd.uscourts.gov> or obtained from the Clerk's Office.

3. Compliance with the mandatory requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure will be accomplished no later than **April 7, 2017**.

4. The parties shall confer and select a Mediator, confirm the Mediator's availability, ensure that the Mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court no later than **April 28, 2017**.

5. All motions to join other parties and to amend the pleadings shall be filed no later than **May 5, 2017**.

6. The initial mediation session shall be held no later than **July 30, 2017**.

7. All fact depositions shall be completed no later than **March 30, 2018**.

8. Plaintiff shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **March 5, 2018**. Defendant shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **April 5, 2018**.

9. All expert depositions shall be completed no later than **May 31, 2018.**

10. All discovery in this case shall be completed no later than **June 22, 2018.**

11. Dispositive motions shall be filed by all parties no later than **August 31, 2018.** See *generally* Local Rule 7.1(c); 56. Such motions shall be made returnable before the Magistrate Judge.

12. Mediation session may continue, in accordance with Section 5.11 of the ADR Plan, until **September 21, 2018.** The continuation of mediation sessions shall not delay or defer other dates set forth in this Case Management Order.

13. Modification or extension of the dates set forth in this Case Management Order are strongly discouraged. Extensions will only be considered for meritorious reasons.

14. Sanctions: Counsel's attention is directed to Fed.R.Civ.P. 16(f) calling for sanctions in the event of failure to comply with any direction of this Court.

The production of privileged or work-product-protected documents, electronically stored information (“ESI”), or other information, whether inadvertent or otherwise, is not a waiver of the privilege or protection from discovery in this case or in any other federal or state proceeding. This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d). Nothing contained herein is intended to or shall serve to limit a party’s right to conduct a review of documents, ESI, or other information (including metadata) for relevance, responsiveness, or segregation or privileged or protected information before production.

**SO ORDERED.**

DATED: Buffalo, New York  
April 6, 2017

**S/ H. Kenneth Schroeder, Jr.**  
**H. KENNETH SCHROEDER, JR.**  
**United States Magistrate Judge**